

2011 -- H 5539

=====
LC01594
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO EDUCATION -- CHARTER SCHOOLS

Introduced By: Representative Agostinho F. Silva

Date Introduced: March 02, 2011

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-77.3-2 of the General Laws in Chapter 16-77.3 entitled
2 "Independent Charter Schools" is hereby amended to read as follows:

3 **16-77.3-2. Procedure for creation of independent charter schools.** -- (a) Any persons
4 or entities eligible to establish an independent charter public school may submit a proposed
5 charter to the commissioner. The proposed charter shall:

6 (1) Be submitted to the commissioner no later than December 1st of the school year
7 before the school year in which the independent charter school is to be established;

8 (2) Describe a plan for education, including the mission, objective, method of providing
9 a basic education, measurable student academic goals that the independent charter school will
10 meet, and process for improving student learning and fulfilling the charter and fulfilling state and
11 national educational goals and standards;

12 (3) Provide a minimum of one hundred eighty (180) days of instruction to students per
13 year;

14 (4) Indicate performance criteria that will be used to measure student learning and to
15 comply with the charter, state, and national educational goals and standards;

16 (5) Include an agreement to provide a yearly report to parents, the community, the
17 sending school districts, and the commissioner, which indicates the progress made by the
18 independent charter school during the previous year in meeting the charter objectives;

19 (6) Present a plan for the governance, administration, and operation of the independent

1 charter school, including the manner in which the governing board of the school will be chosen,
2 the nature and extent of parental, professional educator, and community involvement in the
3 governance and operation of the independent charter school, and the means of ensuring
4 accountability to the commissioner, the sending school districts, and the board of regents;

5 (7) Identify the building that will house the independent charter school and from whom
6 and under what terms and conditions it is to be provided;

7 (8) Describe what support services will be provided by the sending school district(s) and
8 under what terms and conditions those services are to be provided, and describe what support
9 services the independent charter school will obtain directly from third parties and, to the extent
10 known, under what terms and conditions those services are to be provided;

11 (9) Explain the procedures that will be followed to ensure the health and safety of pupils
12 and staff;

13 (10) Describe enrollment procedures including the permissible criteria for admission in
14 accordance with applicable state and federal law, along with a policy or policies that outline
15 outreach and recruitment programs to encourage the enrollment of a diverse student population;

16 (11) Explain the student discipline procedures;

17 (12) Explain the relationship that will exist between the proposed independent charter
18 school and its employees, including the terms and conditions of employment and the
19 qualifications that the employees must meet. Teachers and administrators in independent charter
20 schools must be certified pursuant to state law and regulation. Teachers and administrators in
21 independent charter schools shall be entitled to prevailing wages and benefits as enjoyed by other
22 Rhode Island public school teachers and administrators. Employment in an independent charter
23 school shall be considered "service" as that term is defined in chapter 16 of this title for purposes
24 of determining the appropriate step on a salary schedule for certified personnel. Employment in
25 an independent charter school can be considered "service" as that term is defined in chapter 16 of
26 this title for determining status in the teachers' retirement system. All employees and prospective
27 employees of an independent charter school shall be deemed to be public school employees,
28 having the same rights under Rhode Island and federal law as employees and prospective
29 employees at a non-chartered public school. However, nothing herein requires an independent
30 charter schoolteacher or administrator to participate in the teachers' retirement system. An
31 independent charter school may choose to offer its employees the option to participate in an
32 alternative retirement program, at the election of the independent charter school.

33 (13) Identify with particularity the state statutes, state regulations, and sending school
34 district(s) rules from which variances are sought in order to facilitate operation of the independent

1 charter school. Explain the reasons for each variance and the alternative method by which the
2 concern that gave rise to the regulation or provision will be addressed;

3 (14) Provide a financial plan including a proposed budget for the term of the charter, and
4 an annual audit of the financial and administrative operations of the independent charter school,
5 and the manner in which the funds allocated to the independent charter school will be managed
6 and disbursed;

7 (15) Provide procedures by which teaching personnel and parents can legally challenge
8 decisions of the governing board of the school which do not conform to the school's charter; and

9 (16) Provide a copy of the proposed bylaws of the independent charter school.

10 (c) Any nonprofit organization which seeks to establish an independent charter school
11 must submit its financial records and financial plan for operating the school to the auditor general,
12 who shall review the records, the financial plan, and the financial integrity of the organization. At
13 the time of submission of a proposed charter the financial records and financial recordkeeping
14 system of the nonprofit organization and the proposed financial plan for the independent charter
15 school shall be reviewed by the auditor general and the auditor general shall, while the proposed
16 charter is being considered for preliminary approval by the board of regents, provide an initial
17 determination to the board of regents, the commissioner, and the speaker of the house of
18 representatives indicating that the auditor general is satisfied that the nonprofit organization is
19 financially responsible. Final approval for operation of the independent charter school shall not be
20 granted by the board of regents until the auditor general has approved the financial plan and
21 financial record keeping system and is satisfied that the nonprofit organization is financially
22 responsible. The auditor general shall notify the board of regents, the commissioner, and the
23 speaker of the house of representatives of the findings. During the year immediately preceding
24 the September in which the independent charter school is to begin operation, the charter applicant
25 shall make any additional submissions to the auditor general prescribed by the auditor general in
26 the initial determination. Additional submissions during the year prior to the September in which
27 the independent charter school is to begin operation shall include, but not be limited to, evidence
28 submitted to the auditor general not later than June 1st prior to the opening of the independent
29 charter school of the existence of an agreement, option for lease or purchase, lease agreement or
30 purchase agreement, contingent upon general assembly funding, for a facility in which the
31 independent charter school will operate in its first year of operation. The auditor general shall
32 have the authority to review independent charter schools affiliated with nonprofit organizations
33 on an annual basis or require the school to have an annual certified audit in accordance with the
34 same federal and state standards that are applicable to local public school districts. If as a result of

1 any annual audit the auditor general believes there are financial irregularities, the auditor general
2 shall withdraw the original approval and the board of regents shall withdraw its approval for the
3 independent charter school to continue operation.

4 SECTION 2. This act shall take effect upon passage.

=====
LC01594
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO EDUCATION -- CHARTER SCHOOLS

- 1 This act would provide that no independent charter schoolteacher or administrator shall
- 2 be required to participate in the teachers' retirement system.
- 3 This act would take effect upon passage.

=====
LC01594
=====